

Amendment and Response Under 37 CFR §1.116

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Serial No.: 10/000,057

Confirmation No.: 9505

Filed: November 1, 2001

For: ABRASION RESISTANT COATING FOR STACKS OF FIBER CEMENT SIDING

Remarks

Reconsideration and withdrawal of the rejections, in view of the amendments and remarks presented herein, is respectfully requested. Claim 17 has been amended. Support for the amendment of claim 17 is found throughout the specification (e.g., page 5, lines 18-20 and 24-27). The pending claims are claims 17-19, 21, and 31-50.

The 35 U.S.C. § 103 Rejections

The Examiner rejected claims 17-18, 31-32, 42-48 and 49-50 under 35 U.S.C. § 103(a) alleging that the claims are unpatentable over Blum (U.S. Patent No. 5,344,873) (Blum herein) in view of Kubota Corp. (JP 07-324432) (Kubota herein), and vice versa. This rejection is respectfully traversed.

Applicants emphasize that Blum and Kubota, alone or in combination, do not teach or suggest a method of making a fiberboard cement siding product comprising coating a first major surface of the fiberboard cement substrate with a sealer coating the exposed surface of the sealer with a decorative coating coating the exposed surface of the decorative coating with a topcoat layer and curing the topcoat layer to provide a mar and abrasion resistant siding; wherein the curing step comprises a thermal curing process that does not expose the siding to a board surface temperature in excess of 100 °C.

Rather, Kubota discloses that a "base coat surface 2 is formed on the surface of a kiln board member 1 such as a fiber-reinforced cement board or a gypsum board by means of a thermosetting paint, and a transfer film having an ink layer 3A containing pearl pigment formed by coating natural mica with oxidation titanium is pressed on the base coat surface 2 to transfer the ink layer 3A. After that, a clear coating 4 is applied on the ink layer 3A" (abstract). The substrate painted surface is described as being "for improving adhesion of the ink layer" (line 3 of section [0007] of Detailed Description). Thus, while Kubota teaches coating a cement board or a gypsum board with a thermosetting paint that acts as a primer to improve the adhesion of the ink layer that is later applied to the primer layer, Kubota does not teach use of a sealer.

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Blum discloses an aqueous binder composition and a process for the production of a coating or sealing composition containing this aqueous binder (abstract). As stated by the Examiner, "the reference does not exemplify a method of providing a fiberboard cement substrate, coating the surface with a decorative coating, coating the first coating with a top coating, and curing the top coating" (page 2 of Office Action mailed 4 May 2004). In addition, because Blum fails to teach or suggest the method as stated by the Examiner, Blum cannot teach or suggest the use of a sealer within such a method.

Applicants submit that the difference between a primer and a sealer is clearly put forth within the specification. For example, the specification states that the "improved siding of the present invention comprises one or more layers of a decorative coating. For example, in one preferred embodiment the decorative coating comprises a primer layer and one or more colored layers. An optional sealer layer underneath the primer layer may also be utilized" (page 5, lines 16-19). The typical function of a sealer layer is described as providing one or more features such as efflorescence blocking, water resistance and/or block resistance (page 5, lines 24-26). Thus, it is emphasized that a primer and a sealer relate to two different types of coatings.

Accordingly, Applicants respectfully submit that the combination of the cited documents does not teach or suggest all of the claim limitations and therefore does not render the claims obvious under 35 U.S.C. § 103(a). Therefore, reconsideration and withdrawal of the rejections of the claims is respectfully requested.

The Examiner rejected claims 33-41 under 35 U.S.C. § 103(a) alleging that the claims are unpatentable over Blum (U.S. Patent No. 5,344,873) in view of Kubota Corp. (JP 07-324432), and vice versa, as applied to claims 17-18, 31-32, 42-45 and 49-50 above, and further in view of Takahashi (U.S. Patent No. 6,103,352) (Takahashi herein). This rejection is respectfully traversed.

Takahashi discloses a decorative sheet that comprises a substrate sheet 1; a contiguous layer 4 provided on the substrate sheet 1; and a surface protective layer 5 provided on the

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contiguous layer 4 (abstract). The contiguous layer 4 can include a solid print layer 2 and a pattern layer 3 (column 2, lines 30-32). Takahashi fails to teach or suggest a method that utilizes any type of sealer between the substrate sheet and the contiguous layer. Rather, Takahashi teaches that the "contiguous layer may be formed by simply coating or impregnating the above substrate sheet" (column 3, lines 30-32). Accordingly, not only does Takahashi fail to teach or suggest the use of a sealer between the substrate sheet and the contiguous layer, Takahashi actually teaches away from the use of such a layer.

Applicants emphasize that Blum, Kubota, and Takahashi, alone or in combination, do not teach or suggest a method of making a fiberboard cement siding product comprising coating a first major surface of the fiberboard cement substrate with a sealer coating the exposed surface of the sealer with a decorative coating coating the exposed surface of the decorative coating with a topcoat layer and curing the topcoat layer to provide a mar and abrasion resistant siding; wherein the curing step comprises a thermal curing process that does not expose the siding to a board surface temperature in excess of 100 °C. Accordingly, Applicants respectfully submit that the cited documents do not teach or suggest all of the claim limitations and therefore do not render the claims obvious under 35 U.S.C. § 103(a). Therefore, reconsideration and withdrawal of the rejections of the claims is respectfully requested.

The Examiner rejected claims 19 and 21 under 35 U.S.C. § 103(a) alleging that the claims are unpatentable over Blum (U.S. Patent No. 5,344,873) in view of Kubota Corp. (JP 07-324432), and vice versa, and Takahashi, as applied to claims 33-41 above, and further in view of Harper et al. (U.S. Patent No. 4,637,860) (Harper herein). This rejection is respectfully traversed.

Harper discloses a process for the manufacture of a non-asbestos corrugated sheet. Harper is completely silent with regard to a method that includes applying any type of coating layer to the non-asbestos corrugated sheet. Thus, Harper fails to correct the deficiencies of Blum, Kubota, Takahashi as described above.

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Applicants emphasize that Blum, Kubota, Takahashi and Harper, alone or in combination, do not teach or suggest a method of making a fiberboard cement siding product comprising coating a first major surface of the fiberboard cement substrate with a sealer coating the exposed surface of the sealer with a decorative coating coating the exposed surface of the decorative coating with a topcoat layer and curing the topcoat layer to provide a mar and abrasion resistant siding; wherein the curing step comprises a thermal curing process that does not expose the siding to a board surface temperature in excess of 100 °C. Accordingly, Applicants respectfully submit that the cited documents do not teach or suggest all of the claim limitations and therefore do not render the claims obvious under 35 U.S.C. § 103(a). Therefore, reconsideration and withdrawal of the rejections of the claims is respectfully requested.

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Summary

It is respectfully submitted that the pending claims 17-19, 21, and 31-50 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
Dargontina et al.

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August 4, 2004
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4th day of AUGUST, 2004, at 4:22 p.m. (Central Time).

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